IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 18488 of 2004

Between:

Ramadas Telaganeedi Aided Upper Primary School, Kothapalli,

Rep. by its Manager and Correspondent, Rampalli Parvathi Devi,

W/o. Late Sri Ramakrishna Rao, R/o. Kothapalli, E.G. District.

..... PETITIONER

AND

1 District Educational Officer, East Godavari at Kakinada.
2 Mandal Educational Officer, Gokavaram, E.G. District.
3 Mandal Revenue Officer, Gokavaram, E.G. District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the 1st respondent in issuing proceedings Rc.No. 124/B7/2004, dt. 27-9-2004 for shifting the students from the premises of the Petitioner's school to the premises of the private individuals, contrary to the earlier proceedings dt. 17-9-2004 issued by the 1st respondent, as illegal, arbitrary and mala fide and for a consequential order directing the respondents to permit the petitioner to run the school in its own premises by setting aside the proceedings dated 27-9-2004.

Counsel for the Petitioner : MR.CH.DHANAMJAYA

Counsel for the Respondents : G.P. FOR EDUCATION

The Court made the following :

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for Respondents and both of them agreed for disposal of the writ petition finally at the stage of admission.

The District Educational Officer by proceedings dated 17.9.2004, on the representation made by the parents of students of R.T.V.Aided Upper Primary School, Kothapalli that the school building is not in good condition, and in the light of the directions issued by the District Collector to make temporary arrangements in the same location to continue Classes I to V, directed the Mandal Revenue Officer to make temporary arrangements at the location of R.T.V.A. Upper Primary School, Kothapalli to run Classes I to V in coordination with the Mandal Educational Officer. Again, by the impugned proceedings dated 27.9.2004, the District Educational Officer directed the Mandal Educational Officer to shift the Classes I to VII of R.T.V.A. Upper Primary School, Kothapalli in the two rent free houses offered by Sri D.Venkateswara Rao and Smt.M.Appalanarsamma temporarily and continue the School with the existing staff provided. Questioning the same, the present writ petition is filed.

The learned counsel for petitioner submits that petitioner already effected repairs to the premises where the School was originally located and in view of the same, ordering for shifting the School to other place is arbitrary and illegal.

If that be the case, if the petitioner has already effected repairs to the existing premises and if the building is in good condition and found to be safe to the children, the District Educational Officer shall call for a report from the Mandal Educational Officer as to the safety measures and repairs undertaken by the petitioner to the existing building, and shall pass appropriate orders for re-location of the School in the petitioner's premises.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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A.GOPAL REDDY, J

Date: 11.10.2004

Note : C.C. IN (2) DAYS.

B/o

DA

To

1 District Educational Officer, East Godavari at Kakinada.
2 Mandal Educational Officer, Gokavaram, E.G. District.
3 Mandal Revenue Officer, Gokavaram, E.G. District.

4 Two CCs to the G.P. for Education, High Court Buildings, Hyderabad.

5 Two CD copies.